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In re Application of	:	
EATHERTON, et al.	:	
Application No.: 10/524,469	:	DECISION ON
PCT No.: PCT/EP03/09221	:	PAPERS UNDER 37 CFR 1.42
Int. Filing Date: 19 August 2003	:	
Priority Date: 21 August 2002	:	
Attorney Docket No.: P33098USW	:	
For: PYRIMIDINE COMPOUNDS	:	

This decision is in response to applicants' "Renewed Submission under 37 CFR 1.42" filed 28 February 2006. No petition fee is required.

BACKGROUND

On 19 August 2003, applicants filed the above-identified international application which claimed a priority date of 21 August 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 March 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 21 February 2005.

On 14 February 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application, and a preliminary amendment

On 08 August 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 23 August 2005, applicants filed an executed declaration/power of attorney which was treated as a request under 37 CFR 1.42. In a decision dated 08 December 2005, applicants' request under 37 CFR 1.42 was refused.

On 28 February 2006, applicants filed "Renewed Submission under 37 CFR 1.42."

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed on 28 February 2006 is executed by Jennifer Margaret Doughty as the "legal representatives" of the deceased inventor, Richard Howard Green. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 28 February 2006.

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

The application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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